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10 Communities of Arizona and Michael A. Parham

11 **IN THE SUPREME COURT OF THE STATE OF ARIZONA**

12 In the Matter of:

Supreme Court No. R-17-0016

13 PETITION TO AMEND RULE 3(c)
14 AND (d) AND DELETE RULE 5 (e)
15 OF THE RULES OF PROCEDURE
16 FOR EVICTION ACTIONS

COMMENTS ON PROPOSED RULE
CHANGES

17 **COMMENTS**

18 Commenting Parties Manufactured Housing Communities of Arizona and
19 Michael A. Parham submit these Comments on the Petition to amend Rule 3(c) and
20 (d) and delete Rule 5 (e) of the Rules of Procedure for Eviction Actions (RPEA) filed
21 by the State Bar of Arizona.

22 One of the purposes of the subcommittee that drafted the RPEA in 2007-2009
23 (on which Michael A. Parham served) was to keep them short and simple. If
24 something was said somewhere else and repeating it was not essential to keeping the
25 rules clear, it was not to be repeated.

26 In this case, rules for the computation of time periods already appear at A.R.S.

1
2 § 1-243(a). All this proposal does is repeat them. The main argument seems to be that
3 since other court procedural rules have time period calculation provisions, these rules
4 should also have them. Such logic flies in the face of the original intention of keeping
5 them short and simple.

6 If a good reason was given to repeat the time calculation requirements, then it
7 might be worth considering. But there is not. Apparently this proposal was prompted
8 by a misstatement by a J.P. in comments on other proposed rule changes leading the
9 Bar to conclude that judges do not know how to calculate time periods. That J.P. has
10 already corrected this misapprehension in earlier comments on this forum.

11 The RPEA have been in force for over eight years and there have been no
12 problems that have been pointed to as supporting the proposed changes other than the
13 misstatement referred to above.

14 These parties are commenting on this simply because they have been involved
15 in development of the RPEA since the idea was first hatched in 2007. They believed
16 then and believe now that keeping the RPEA short and simple and not expanding
17 them with unnecessary additions serves the interests of both landlords and tenants.

18 One thing this proposal brings up is the question of what is a holiday.
19 Specifically, is Columbus Day a holiday or is the Friday after Thanksgiving? While
20 these parties are agnostic on that subject, it is something deserving of attention by the
21 Court. The separate comments of Michael A. Parham posted on this forum on
22 February 12, 2017 discuss this.

23 It should be noted that to the extent there is actually anything defective about
24 the current time rules it is the Columbus Day/Friday after Thanksgiving issue. Yet this
25 true defect is not addressed in the proposal.

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DATED: May 22, 2017

WILLIAMS, ZINMAN & PARHAM P.C.

Electronically Signed:

Melissa A. Parham

By:

Michael A. Parham

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A copy of these comments has been e-mailed
this 22nd day of May, 2017 to:

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